

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
WAYNE ROBERT HICKS,)	
Register Number 07421-003,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 12th day of January, 2007.

George E. B. Holding
United States Attorney

BY: /s/ David T. Huband
David T. Huband
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No N.C. Bar #

CERTIFICATE OF SERVICE

This is to certify that I have this 12th day of January, 2007, served a copy of the foregoing upon the respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Wayne Robert Hicks
Reg. No.: 07421-003
FCI Butner

and on the same day placed a copy of the foregoing in the U.S. Mail, addressed as follows:

Federal Public Defender's Office
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27611

/s/ David T. Huband
David T. Huband
Special Assistant U. S. Attorney
Civil Division

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Paul Sahwell, am Interim Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Wayne Robert Hicks, Register Number 07421-003, is in Bureau custody at the Federal Correctional Institution in Butner, North Carolina, serving a 24-month federal term of imprisonment following his revocation of supervised release. Inmate Hicks's original sentence was a 27-month term of imprisonment and three years supervised release, following his conviction for Possession of Child Pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) (Criminal Docket No. 99-00210-001, S.D. Alabama). The offense conduct in this case involved inmate Hicks possessing over 1,000 digital images of prepubescent minors engaged in explicit sex conduct. Inmate Hicks's projected release date is January 20, 2007.

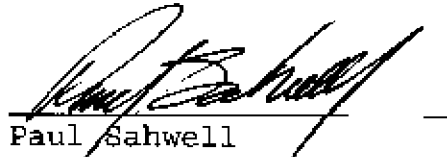
(3) Based on a review of inmate Hick's Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(A) Inmate Hicks previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his failure to abide by the conditions of supervised release. The conduct that resulted in the revocation of his supervised release involved inmate Hicks engaging in oral and anal sex with a 14-year-old male while under supervision.

(B) A limited psychological review of inmate Hicks indicated an Axis I diagnosis of Paraphilia, Not Otherwise Specified (Hebephilia), Rule Out Pedophilia, Sexually Attracted to Males, Non-Exclusive Type, Rule Out Alcohol Abuse.

(C) An initial assessment of inmate Hicks using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to inmate Hicks's offense conduct, psychological diagnosis, history of substance abuse, continuation of sexually deviant behavior while on conditional release, and history of social maladjustment, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Paul Sahwell
Interim Chairperson
Certification Review Panel
Federal Bureau of Prisons

1-12-07
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
WAYNE ROBERT HICKS,)	
Reg. No. 07421-003,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b), the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the

office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

The Court further ORDERS the appointment of an additional mental health examiner to be selected by the Respondent. Respondent is DIRECTED to file notice with the Court of the name of the additional mental health examiner within five days of the filing of this order.

The Court hereby notifies the parties that this case has been set for Hearing by video conference at _____ AM/PM on _____ 2007. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2007.

W. EARL BRITT
Senior U.S. District Judge